

REMARKS

Claims 1-3, 7-10, 12-19, 21, 23-30, 32-34, 37-41, 43-45, 48-52, and 54-57 are now pending in the application, of which claims 1, 24, 37, 48, 50, 51, 52, 54 and 55 are independent.

Claims 1, 24, 37, 48, 50, 51, 52, 54 and 55 have been amended herein. Applicants respectfully urge that all of the claims are patentable and in condition for allowance.

I. Interview with the Examiner

Applicants thank the Examiner for the courtesy of extending an interview on November 24, 2009. During the interview Applicants discussed proposed amendments to address the outstanding 101 rejections. The Examiner suggested that Applicants further amend the claims to incorporate the simulation feature of the Present Application.

II. Claim Rejections under 35 U.S.C. § 101

Claims 1-3, 6-10, 12-19, 21, 23-30, 32-34, 37-41, 43-45, 56 and 57 were rejected under 35 U.S.C. § 101 because the Examiner alleges the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner alleges that the claims recite a method that is not tied to any machine and/or apparatus which would enable it to carry out its intended functionality.

Claim 6 is canceled. Hence, the rejection of this claim is moot.

Claims 1, 24 and 37 have been amended to recite “using an electronic device”. Applicants believe that amended claims 1, 24 and 37 recite a method that is tied to a particular machine, i.e. an electronic device. Accordingly, Applicants believe that the amendments address the Examiner’s concerns. Applicants respectfully urge that the Examiner reconsider and withdraw the above rejection of claims 1, 24 and 37 under 35 U.S.C. § 101.

Claims 2, 3, 7-10, 12-19, 21, 23, and 56-57 depend from claim 1. Claims 25-30 and 32-34 depend from claim 24. Claims 38-41 and 43-45 depend from claim 37. Dependent claims incorporate each and every feature of the independent claim upon which they depend. Applicants respectfully urge that dependent claims are therefore allowable for at least the reasons presented above with respect to claims 1, 24 and 37. Therefore, Applicants respectfully request that the Examiner withdraw the above §101 rejection of claims 2-3, 6-10, 12-19, 21, 23, 25-30, 32-34, 38-41, 43-45, 56 and 57.

CONCLUSION

In view of the above comments, Applicants believe the pending application is in condition for allowance and urge the Examiner to pass the claims to allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact Applicants' attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. MWS-089RCE2. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Dated: December 16, 2009

Respectfully submitted,

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